

IN THE CIRCUIT COURT OF MARSHALL COUNTY, MISSISSIPPI

TIMMY WRIGHT,)	USDC No. 3:23CV218-MPM-RP
PLAINTIFF,)	
v.)	CIVIL ACTION NO. <u>CV2023-140</u>
TAMMY KAE JOHNSON,)	<u>JURY TRIAL DEMANDED</u>
DEFENDANT.)	

COMPLAINT

COMES NOW the Plaintiff, by and through the undersigned counsel of record, and files this suit against the above-named Defendant and for cause states the following, to-wit:

PARTIES:

1. Plaintiff, Timmy Wright, is an adult resident citizen of Olive Branch, DeSoto County, MS.
2. Defendant, Tammy Kae Johnson, is an adult resident citizen of Henry County, Tennessee, residing at 146 Hagler Ridge Rd., Springville, TN and may be served with process at this address.

JURISDICTION AND VENUE

3. Jurisdiction and venue are proper in this Court pursuant to Mississippi Code Annotated § 9-7-81 (circuit) §9-9-21 (county) and §11-11-3, respectively, in that this Complaint arises out of a motor vehicle accident involving Plaintiff and Defendant, which occurred on April 6, 2020, in DeSoto County, MS.

STATEMENT OF FACTS

FILED

4. On or about December 28, 2021, at approximately 6:17 p.m. Defendant Johnson

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CIRCUIT CLERK MARSHALL CO., MS
BY RCA D.C.

EXHIBIT 1

was driving a 2016 Volvo Truck and traveling eastbound on Hwy. 302 near the intersection of Cayce Rd. in Marshall County, MS.

5. At the same time, Plaintiff was driving westbound on Hwy 302 in his 2021 Dodge Ram near Cayce Rd.

6. Defendant failed to yield the right of way and attempted to make a left turn onto Cayce Rd. in front of Plaintiff's vehicle.

7. Defendant's improper turn caused Plaintiff's vehicle to suddenly and violently collided with the trailer of the vehicle driven by Defendant and caused serious personal injuries to Plaintiff.

8. The collision and the resulting injuries and damages to Plaintiff were the direct and proximate result of the negligence or recklessness of Defendant Johnson.

COUNT I
NEGLIGENCE

9. Plaintiff Wright alleges that Defendant Johnson had a duty to exercise reasonable care in the operation of her vehicle.

10. Plaintiff Wright alleges that on the occasion complained of, Defendant Johnson was guilty of one or more of the following acts of negligence:

- (a) Failure to maintain proper lookout;
- (b) Failure to maintain proper control of her vehicle;
- (c) Reckless driving;
- (d) Failure to exercise safe caution and due care; and
- (e) Other acts of negligence to be shown at a hearing of this cause.

11. As a direct and proximate result of the negligence of Defendant Johnson, the Plaintiff sustained the following injuries and damages:

- (a) Physical injuries to the body;

- (b) Present, past and future medical, hospital, pharmacy, and related expenses;
- (c) Past and future loss of enjoyment of life suffered by Plaintiff;
- (d) Pain and suffering;
- (e) Mental anguish;
- (f) Lost wages; and
- (g) Temporary and/or permanent disability of the Plaintiff.

12. Plaintiff would show that he has suffered and incurred other expenses and damages because of the negligence of Defendant Johnson.

COUNT II
NEGLIGENCE PER SE

13. Plaintiff alleges that Defendant Johnson was guilty of violating one or more of the following statutes of the State of Mississippi as set forth in the Mississippi Code Annotated, each and every one of which was in full force and effect at the time and place of the accident described herein:

- A. §63-3-1201 Reckless Driving. Any person who drives any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Reckless driving shall be considered a greater offense than careless driving.
- B. §63-13-1213 Careless Driving. Any person who drives any vehicle in a careless or imprudent manner, without due regard to the width, grade, curves, corner traffic and use of the streets and highways and all other attendant circumstances is guilty of careless driving. Careless driving shall be considered a lesser offense than reckless driving.
- C. Other violations to be shown at a hearing of this cause.

14. Plaintiff alleges that violation of one or more of the foregoing statutes of the State of Mississippi by Defendant Johnson constitutes the direct and proximate cause of the accident at issue and the resulting injuries and damages suffered by Plaintiff, and Defendant's actions constitute negligence per se.

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff demands judgment against Defendant for compensatory and consequential damages based on the negligent nature of Defendant Johnson's conduct in the amount of ONE HUNDRED FIFTY-THOUSAND DOLLARS AND ZERO CENTS (\$150,000.00), together with interest from the date of judgment and all costs of this Court. Plaintiff also prays for such other and further relief as the Court deems just and equitable.

RESPECTFULLY SUBMITTED, this _____ day of April, 2023.

BY: _____

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